



Public Notice

U.S. Army Corps
of Engineers
Pittsburgh District

In Reply Refer to
Notice No. below

US Army Corps of Engineers, Pittsburgh District
1000 Liberty Avenue
Pittsburgh, PA 15222-4186

Application No. 2006-2048

Date: January 11, 2007

Notice No. 07-02

Closing Date: February 11, 2007

AFTER-THE-FACT

1. TO ALL WHOM IT MAY CONCERN: The following application has been submitted for a Department of the Army Permit under the provisions of Section 404 of the Clean Water Act (33 U.S.C. 1344).

2. APPLICANT: Michael Bruno
7368 Tippecanoe Road
Canfield, Ohio 44406

AGENTS:

Buckeye Civil Design, LLC
PO Box 283
North Lima, Ohio 44452

Strollo Architects, Inc.
20 Federal Plaza West
Youngstown, Ohio 44503

3. LOCATION: in and along the banks of Indian Run, in Canfield, Mahoning County, Ohio.

4. PURPOSE AND DESCRIPTION OF WORK: The applicant demolished an existing dwelling and is constructing a new one. To facilitate with the construction of the new dwelling (due to a high water table and poor bearing soils for a foundation), the adjacent waterway was impacted. Impacts and proposed impacts on the east bank include: (1) a 36 linear foot concrete retaining wall was installed; (2) adjacent to the retaining wall, 75 linear feet of new heavy gauge steel piling was placed next to 13 linear feet of existing sheet piling. The applicant is proposing to place 2 foot sandstone boulders in front of the concrete and steel sheet piling and pour concrete behind the piling and between the stones for a total of 124 linear feet; and (3) 200 linear feet of 16 inch boulders were removed and replaced with sandstone boulders. Impacts to the west bank include: (1) 241 linear feet of new sandstone boulders were placed upstream of the existing 40 linear feet of boulders; and (2) 81 linear feet of

new sandstone was placed downstream of the existing boulders. Impacts and proposed impacts to Indian Creek include: (1) a portion of an 18 inch high waterfall that was constructed of concrete and stone was removed to lower the water level on the upstream side to aid in the installation of the concrete retaining wall and the steel sheet piling. The waterfall will be restored with a slightly lower top elevation to reduce the ponding of water; and (2) 2 cross-vanes are proposed to provide an aquatic feature and habitat. Temporary impacts that have occurred include: (1) slag was placed in approximately 0.007 acre of a 0.34 acre pond for an access road; and (2) an 8-inch drainage pipe was installed at the lower end of the spillway to keep water levels down to aid in foundation construction. Both of these temporary impacts will be removed when construction is completed. Additionally, a deteriorated wooden footbridge over the pond was removed and will be replaced with a steel bridge that will span the pond. A drawing of the proposed project is attached to this notice.

5. WATER QUALITY CERTIFICATION: A Permit will not be granted until Water Quality Certification is received or waived from:

Ohio Environmental Protection Agency (Ohio EPA)
Section 401 Coordinator
PO Box 1049
Columbus, Ohio 43266-0149

Telephone Number: 614-644-2001

6. IMPACT ON NATURAL RESOURCES: The District Engineer has consulted the most recently available information and has determined that the project is not likely to affect the continued existence of any endangered species or threatened species, or result in the destruction or adverse modification of habitat of such species which has been determined to be critical. This Public Notice serves as a request to the U. S. Fish and Wildlife Service for any additional information they may have on whether any listed or proposed to be listed endangered or threatened species may be present in the area which would be affected by the activity, pursuant to Section 7(c) of the Endangered Species Act of 1972 (as amended).

7. IMPACT ON CULTURAL RESOURCES: The National Register of Historic Places has been consulted, and it has been determined that there are no properties currently listed on the register which would be directly affected by the proposed work. If we are made aware, as a result of comments received in response to this notice, or by other means, of specific archeological, scientific, prehistorical, or historical sites or structures which might be affected by the proposed work, the District Engineer will

immediately take the appropriate action necessary pursuant to the National Historic Preservation Act of 1966 - Public Law 89-665 as amended (including Public Law 96-515).

8. PUBLIC INVOLVEMENT: Any person may request, in writing, within the comment period specified in the paragraph below entitled "RESPONSES," that a public hearing be held to consider this application. The requests for public hearing shall state, with particularity, the reasons for holding a public hearing.

9. EVALUATION: Interested parties are invited to state any objections they may have to the proposed work. The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposals must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people. The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the overall public interest of the proposed activity. The evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under the authority of Section 404(b) of the Clean Water Act (40 CFR Part 230).

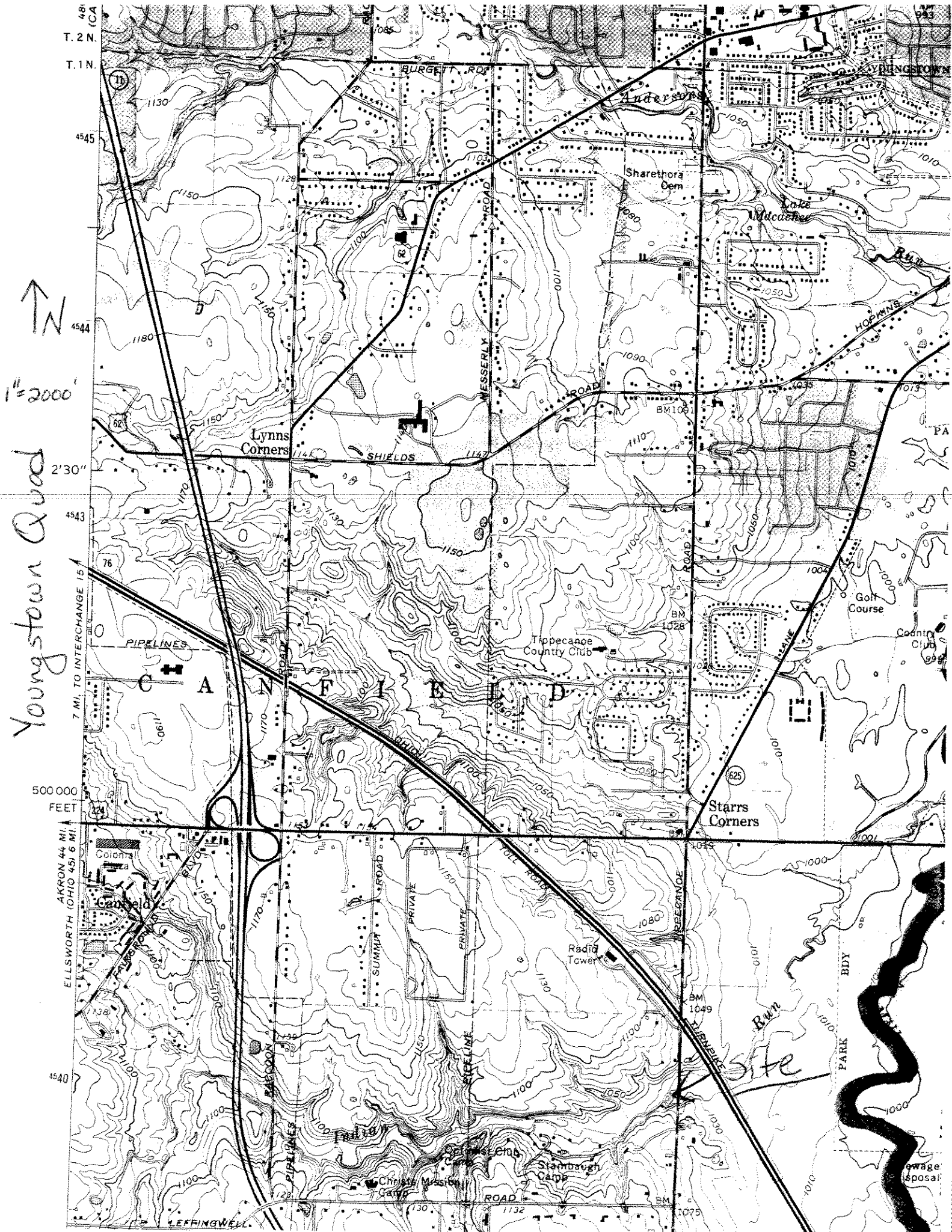
10. RESPONSES: A permit will be granted unless its issuance is found to be contrary to the public interest. Written statements concerning the proposed activity should be received in this office on or before the closing date of this Public Notice in

CELRP-OP-F
Public Notice No. 07-02

order to become a part of the record and to be considered in the final determination. Any objections which are received during this period may be forwarded to the applicant for possible resolution before the determination is made whether to issue or deny the requested DA Permit. All responses to this notice should be directed to the Regulatory Branch, attn Nancy Mullen, at the above address, by telephoning (412) 395-7170, or by e-mail at Nancy.J.Mullen@lrp02.usace.army.mil. Please refer to CELRP-OP-F 2006-2048 in all responses.

FOR THE DISTRICT ENGINEER:

Michael J. Cummings, Jr.
Chief, Regulatory Branch



Youngstown Quad

1"=2000'

site

SHEET 1 OF 2

P.O. Box 283
North Lima, Ohio 44452
Phone 330-549-9051
Fax 330-549-9053



X 1017.0 - TOP OF BANK (STONE) ELEVATION

